**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CRIMINAL APPLICATION No. 1098 of 2006**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MANISHBHAI HIRJIBHAI SAVSANI - Applicant(s)**
**Versus**
**THE STATE OF GUJARAT - Respondent(s)**

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**Appearance :**
MR HR PRAJAPATI for Applicant(s) : 1,
MR HL JANI, APP for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA**

**Date : 05/07/2006**

**ORAL JUDGMENT**

1. Rule. Mr. HL Jani, Ld. Addl. Public Prosecutor waives the service of Rule on behalf of State.

2. This petition is filed under Article 226 of the Constitution of India together with provisions of section 482 of the Code of Criminal Procedure seeking quashing of the order passed by the Ld. Chief Judicial Magistrate, Jamnagar, dated 28th June, 2006, whereby he has granted remand of the petitioner to the police till 7th July, 2006. The police is directed to produce the petitioner before the Ld. Magistrate at 3.00 p.m., on 7th July, 2006.

3. I have perused the record of this petition. I have also heard Mr. SV Raju, learned advocate for the petitioner appearing with Mr. HR Prajapati and Mr. HL Jani, Ld. APP for the opponent – State. The Officer of the Department is present with the record. I have perused the record also. It now appears that the substantial part of the remand period is over. It also appears that during that time the police has not made any notable headway in the investigation. The offence which is alleged against the petitioner is under section 326 of the Indian Penal Code, which is triable by the Ld. Magistrate. The FIR is lodged on 12/1/2003 i.e. about three and half years prior to the date of the impugned order. It is also to be noted that shortly thereafter the investigation was closed. In these circumstances, there is no need to continue the remand period till 7th July, 2006 at 3.00 p.m.

4. In view of the aforesaid, this petition is required to be partly allowed. The police is now directed to produce the petitioner before the Ld. Chief Judicial Magistrate, Jamnagar, at 5.00 p.m., on 6th July, 2006. Rule made absolute to the aforesaid extent. D S permitted.

[ AKSHAY H. MEHTA, J. ]

* Pansala.